

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JACLYN SANTOMENNO, KAREN POLEY, and BARBARA POLEY, et al.,	:	Civil Action No. 11-736 (FSH)
Plaintiffs,	:	<u>ORDER</u>
v.	:	Date: June 15, 2011
TRANSAMERICA LIFE INSURANCE COMPANY, TRANSAMERICA INVESTMENT MANAGEMENT, LLC, and TRANSAMERICA ASSET MANAGEMENT, INC.,	:	
Defendants.	:	
	:	

This matter comes before the Court on the parties' agreement to conduct limited discovery related to the issue of the proper venue for this action; and it appearing that Plaintiffs commenced this action with the filing of a Class Action Complaint on February 8, 2011; and it appearing that on May 16, 2011, Defendants filed Motions to Dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6); and it appearing that on May 16, 2011, Defendants also filed (1) a Motion to Transfer this action to the United States District Court for the Central District of California, Western Division and (2) a Motion to Stay Discovery in this matter pending resolution of the Motions to Dismiss and to Transfer; and

it appearing that the parties have agreed to conduct limited discovery with respect to the issues raised by Defendants' Motion to Transfer pursuant to the following terms and conditions:¹

- (a) Defendants will produce a Rule 30(b)(6) witness for deposition. Questioning shall be limited to matters relevant to Defendants' motion to change venue. The conduct of this deposition shall be without prejudice to Plaintiffs' right to conduct further depositions on the merits of the case, and this deposition shall not count as one of the ten depositions permitted by Court rule.
- (b) In advance of the Rule 30(b)(6) witness deposition, defendants will produce to plaintiffs the documents relied upon by Darcy Hatton in the preparation and execution of her declaration.
- (c) The initial Rule 16 scheduling conference and all other discovery in this matter shall be held in abeyance pending the earlier of the outcome of Defendants' Motion to Transfer Venue or Defendants' Motions to Dismiss;

and

it appearing that judicial economy requires that the pending motions in this case be based upon the same factual record, developed during the agreed upon limited discovery, and be presented to this Court concurrently;

IT IS therefore on this 15th day of June, 2011,

ORDERED that Defendants' Motions to Dismiss, Transfer and Stay are terminated pending the completion of the limited discovery set forth above; and it is further
ORDERED that Defendants may re-file their Motions to Dismiss and to Transfer not later than July 29, 2011, with Plaintiffs' oppositions to those motions due by August 19, 2011 and Defendants' reply papers, if any, due by September 2, 2011; and it is further

¹ For the reasons set forth in this Order, this Court omits the briefing schedule agreed upon by the parties in favor of a schedule which brings all pending motions in this action onto a concurrent briefing schedule.

ORDERED that the initial Rule 16 scheduling conference and all other discovery in this matter will be held in abeyance pending the earlier of this Court's issuance of a decision on Defendants' Motion to Transfer or Defendants' Motions to Dismiss.

The Clerk of the Court is directed to terminate the motions: Docket Nos. 10, 11, 12 and 13.

/s/ Faith S. Hochberg
HON. FAITH S. HOCHBERG, U.S.D.J.